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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,129	01/28/2004	Der Yang Tien	3053P	4297
7590	11/17/2006		EXAMINER	
Mr. Joseph A. Sawyer, Jr. SAWYER LAW GROUP LLP Suite 406 2465 East Bayshore Road Palo Alto, CA 94303			SHAHRESTANI, NASIR	
			ART UNIT	PAPER NUMBER
			3737	
			DATE MAILED: 11/17/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/767,129	TIEN, DER YANG
	Examiner	Art Unit
	Nasir Shahrestani	3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/28/2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Saccardo et al. (U.S. Patent No.: 6,471,649).

Regarding claims 1-2, 5-11, Saccardo teaches an inspection apparatus for diagnosis, comprising: a micro processing unit (CPU 101) for actuating units and modules of the inspection apparatus via an instruction of a user or a program; an input unit (touch sensitive pointing device 66) for allowing the user to input the instruction or data; a conversion module comprising at least a receive unit (audio compressor/decompressor 116) for receiving sound and a transceiver unit (transducer 22) for emitting and receiving ultrasonic wave energy signals; a signal processing module (analog-to-digital converter component 114) for converting analog signals received by the conversion module into digital signals; a memory unit (storage device 121) for allowing high-speed data access for the units and modules of the inspection apparatus; a storage unit (compact flash card 125) for storing data processed by the micro processing unit according to the instruction inputted via the input unit; and a communicate module

(infrared link 74) controlled by the micro processing unit, for allowing data communication between the inspection apparatus and at least one data processing device connected to the inspection apparatus.

Regarding claims 12-14, Saccardo further teaches wherein the data processing device comprises a control module (control panel 33) connected with the communicate module of the inspection apparatus via a wired or wireless transmitting interface to control operation of the inspection apparatus, and being incorporated by software (see abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saccardo et al. (U.S. Patent No.: 6,471,649) in view of Besson et al. (U.S. Patent No.: 5,957,854).

Saccardo et al. teaches all the limitations of claim 1 as described above but does not teach a conversion module to further comprise an infrared body temperature inspection unit nor a pulse inspection unit. Besson et al. teaches a contactless temperature measurement using infrared (fig. 5) and also a pulse inspection unit (fig. 4b). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus as taught by Saccardo et al. and to have further included

an infrared body temperature inspection unit and pulse inspection unit as taught by Besson et al. in order to provide for eliminating the need for multiple equipment for patient diagnosis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasir Shahrestani whose telephone number is 571-270-1031. The examiner can normally be reached on Mon.-Thurs: 7:30-5:00, 2nd Friday: 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasir Shahrestani
11/10/2006


BRIAN L. CASLER
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